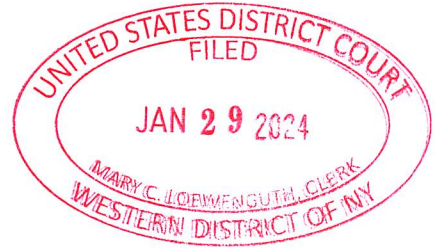


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



MONTU LIGHTEN,

Plaintiff,

v.

23-CV-216 (JLS)

THE CITY OF TONAWANDA, NEW
YORK, THE CITY OF TONAWANDA
POLICE DEPARTMENT, BRIAN
LAVEY,

Defendants.

DECISION AND ORDER

Pro se Plaintiff Montu Lighten commenced this action under 42 U.S.C. section 1983 on November 1, 2022. *See generally* Dkt. 1-2. Lighten alleged several violations of his constitutional rights under Section 1983. *Id.* Defendants filed a motion to dismiss on April 19, 2023. Dkt. 11. Plaintiff opposed this motion, Dkt. 16, and filed an amended complaint, Dkt. 15. Defendants replied. Dkt. 17

On October 24, 2023, Judge Schroeder issued a Report, Recommendation, and Order (“R&R”)¹ recommending this Court grant Defendants’ motion to dismiss for failure to state a claim. Dkt. 11. Plaintiff objected to Judge Schroeder’s R&R on December 13, 2023. Dkt. 19. Defendant responded, Dkt. 21, and Plaintiff replied. Dkt. 22.

¹ This Court referred the case to United States Magistrate Judge H. Kenneth Schroeder for all proceedings under 28 U.S.C. sections 646(b)(1)(A), (B), and (C). Dkt. 6.

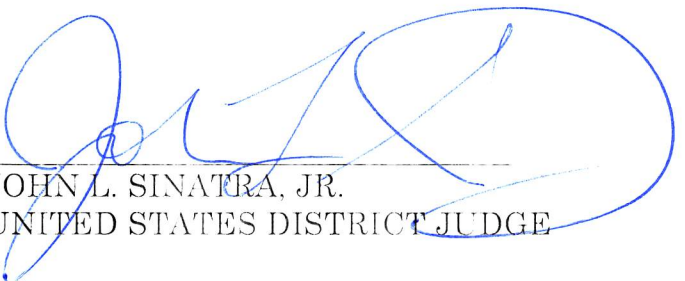
A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. section 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas Arn*, 474 U.S. 140, 149–50 (1985).

This Court carefully reviewed the R&R, the objections, and the relevant record. Based on its *de novo* review, the Court accepts Judge Schroeder's recommendation. For the reasons stated above and in the R&R, Defendants' motion to dismiss (Dkt. 11) is GRANTED and the amended complaint is dismissed without leave to amend.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: January 29, 2024
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE